

1900-056 Chancery Causes: H. J. Yeary vs. J. J. Livesay  
Lee Co.

CA-Debt

T-Property



Virginia,

In the Circuit Court of Lee County.

-----  
To the Hon. W. T. Miller, Judge of said Court:

-----Humbly complaining, your orator, H. J. Yeary, would respectfully represent and shew unto your honor, that on the 27th day of January 1898, he obtained before H. C. Joslyn, a Justice of the Peace of said county, a judgement against J. J. Levesay for the sum of \$35.00, with interest thereon from the 4th day of January 1887, until paid and one dollar costs, which judgement was obtained upon a note waiving the homestead exemption~~s~~---and no part of said judgement has been paid. On said judgement an execution was issued by said justice and returned with this endorsement thereon: " Not executed no property found this Jan--31--1898, J. M. Weston, D. S. for W. P. Weston, S. L. C." Said judgement was on the ~~xxxxxxx~~28 day of January 1898, duly docketed on the judgement lien docket of said county. A copy of said judgement is herewith filed as part hereof marked " A " and a copy of said execution and the return thereon is herewith filed marked " B " and a copy of the docketing of said judgement is herewith filed marked " C ". Your orator will further represent and shew unto your honor, that the said J. J. Levesay is the owner of a certain tract or parcel of land lying and being in said county at the mouth of Lone Branch adjoining the lands of William Young, Richard Johnson and others, containing ~~xxx~~ three and one-half or four acres and on which there is situated a corn mill, upon which your orator is advised that said judgement is a lien, and there are no other liens on said property. Now, the object of this suit is to subject the said real estate to the payment of your orator's said judgement and the costs of this suit, as the rents and profits of said real ~~xxxxx~~ estate will not pay the same in five years. To this end he makes the said J. J. Levesay the party defendant to this bill and asks that ~~the~~ he be required to answer the same but not on oath, that being waived; that on a hearing the relief above prayed for be granted your orator, and all such other and further ~~xxxxx~~ relief as he may be entitled to. May process issue, directed, etc., and your orator will ever pray, etc.

Orator Blankenship P. C.



**VIRGINIA--LEE COUNTY, TO-WIT:**

TO W. P. Weston Sheriff Constable of said County:

I HEREBY COMMAND YOU TO SUMMON

J. J. Livesay

If to be found in your District to appear at Jonesville in said county, on the 27<sup>th</sup> day of Jan 1898 before me or such other Justice of the said County, as may be thereto try this warrant, to answer complaint of William J. Geary

and upon a claim for money not exceeding \$100, exclusive of interest, to-wit: For the sum of \$35.00 by Note, and then and there make return of this warrant,

Given under my hand the 11<sup>th</sup> day of Dec 1897.

H. C. Joslyn J. P.

W. J. Geary  
Against  
J. J. Livesay

On the 27<sup>th</sup> day of Jan 1898.  
(In debt.)  
At Jonesville in said County.

JUDGMENT, That the Plaintiff recover of the Defendant \$ 35.00, with interest thereon from the 4<sup>th</sup> day of Jan 1897, till paid, and \$ 1.00 for costs.

H. C. Joslyn J. P.

VIRGINIA--Lee County, To-wit: To W. P. Weston Sheriff Constable of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattles of .....

J. J. Livesay, in your county, you cause to be made the sum of \$35.00 with interest thereon from the 4<sup>th</sup> day of Jan 1897 till paid, which W. J. Geary has recovered before me in a warrant in debt, and also the sum of \$ 1.00 which were adjudged to the said W. J. Geary for costs in prosecuting said warrant.

Given under my hand the 27<sup>th</sup> day of Jan 1898.

The note for which this judgment was given was voided by the Homestead Exemption H. C. Joslyn J. P.



Not Executed  
no property found  
this Jan 31-1898.

J.M. Weston v.s.  
for W.P. Weston  
S.G.C

H. J. Geary  
vs. J. J. Geary

J. J. Geary.

executed by  
summoning J. J.  
Geary to answer the  
complaint. this Jan  
20-1898.

J.M. Weston v.s.  
for W.P. Weston  
S.G.C

---

Exec 25<sup>th</sup>;  
docketed in Indignat  
Linn Docket No 3 page  
175-  
J. V. Richardson  
clerk



L. O. & B.

H. J. Geary

28. Bill in Chy.

J. J. Lindsay

1899. 1st Felig Rules. - Spa.  
Executed. Bill filed.  
Def't. fails to appear.  
Decree nisi  
2nd Felig. Rules. - De-  
cree nisi confirmed.  
Bill taken for con-  
fessed. Cause set  
for hearing.

1899. Chy.

Plaintiffs Costs

Clerk	4.83
Tax	1.50
Shelf	1.00
atly	8.50
Estimated	5.00
	<u>\$17.33</u>



To the Hon. W. T. Miller, Judge  
of the Circuit Court of Lee County.

The answer of J. J. Livery, the defendant  
to a bill of complaint filed against him  
in the circuit court of the county of Lee  
by H. J. Yeary, complainant.

The respondent reserving to himself the  
benefit of all just exceptions to said  
bill, for answer thereto, or to so much thereof  
of as he is advised that it is material he  
should answer, answers and says that,

True it is, the said complainant did  
obtain the judgment mentioned in his  
bill of complaint, and he supposes that  
the same is a lien on all his real estate  
mentioned in said complainant's bill, But  
your respondent denies the allegation that  
his said lands and real estate will nat-  
rent for enough in five years to pay said  
judgment and costs, together with the costs  
of this suit, he avers that it will rent  
in five years for a sum amply sufficient  
to pay said debt, with all costs thereon, and the  
costs of this suit. And having fully answered  
the complainant's bill, prays to be dismissed  
with his reasonable costs by him in this ~~case~~  
behalf expended and he will



H. F. Geary  
S. Sec of Dept.  
P. J. Leary  
Filed March 8<sup>th</sup>  
1899.  
A. B. Munnay, Clerk

even Prout, etc.  
J. J. Living.  
By his counsel J. E. Noel



A. J. Geary  
against

J. J. Lindsay

Plaintiff

Defendant

In chancery.

This cause came on again to be heard upon the papers formerly read in the cause and was argued by counsel, and it being admitted by plaintiff's counsel that the debt & costs decreed in favor of the plaintiff at the March term 1899 of this Court, ~~has been fully paid~~ without the Commissioner, then appointed, renting the real estate in the bill and said decree mentioned, and that nothing further remains to be done in this cause, it is ordered that the same be stricken from the docket.



A. J. Geary.  
vs Decree Final  
J. J. Linsay.  
Entered A.D. 6 P. 430.

Enter this decree.  
at New York  
Nov 8 1900.



H. J. Geary.

Plff

against

In Chancery.

J. J. Linsay

Def't

This cause came on to be heard upon the bill of the plaintiff, & exhibit therewith, the answer of the defendant this day filed and replication thereto, and was argued by Counsel. On consideration thereof it is adjudged, ordered and decreed that the plaintiff recover against the defendant \$36.00 the amount of the judgment in the bill mentioned with legal interest on \$35.00 part thereof from the 4th day of January 1887, until paid and the costs of this suit, and unless the amount of this recovery is ~~not~~ paid within 30 days from the adjournment of this <sup>court</sup>, then by W. Blankenship, who is appointed a Commissioner for the purpose, will proceed to rent at the front door of the Court house of this County, on some Court day, the real estate in the bill mentioned for such time as may be necessary to pay the amount herein recovered and costs of renting, not exceeding five years



executed before the Clerk of this Court in the sum of \$1.00  
 after first having advertised said  
 renting for at least thirty days by  
 written advertisements posted at the  
 front door of the Court house of  
 this County and in the vicinity of  
 said land, Said Court at said rent-  
 ing will require the costs of suit and  
 commissions on the renting paid in  
 hand and for the residue he will  
 take bonds from the lesor with  
 security, bearing interest from date  
 and payable annually at the end of  
 the rental year, and report his acts  
 to the next term. And the cause is  
 continued

A. L. Young  
 vs. Deere to rent  
 11/3/1899

Cu. C. O. B. 6 p. 244

Enter this decree.  
 W. J. M.  
 Nov 9<sup>th</sup> 1899.



Virginia--Lee County, To-Wit:

To H. P. Weston Sheriff, Constable of said County.

I hereby command you to summon, J. J. Leuesay

If to be found in your District to appear at Jonesville in said county, on the 27<sup>th</sup> day of January 1898 before me or such other Justice of said County, as may be there to try this warrant, to answer complaint of Hiram J. Yeary

and upon claim for money not exceeding \$100, exclusive of interest, to-wit: For the sum of \$ 35.00 due by Note, and then and there return this warrant.

Given under my hand the 11<sup>th</sup> day of December 1897

H. C. Joslyn J. P.

H. J. Yeary Against } On the 27<sup>th</sup> day of January 1898  
J. J. Leuesay } (In Debt)  
 At Jonesville in said County,

JUDGMENT, That the Plaintiff recover of the Defendant \$ 35.00 with interest thereon from the

4<sup>th</sup> day of January 1897 until paid, and \$ 1.00 for costs.

H. C. Joslyn J. P.

VIRGINIA--Lee County, To-wit: To H. P. Weston Sheriff of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattles of

J. J. Leuesay, in your county, you cause to be made the sum of \$ 35.00

with interest thereon from the 4<sup>th</sup> day of January 1897 till paid, which

H. J. Yeary has recovered before me in a warrant in debt, and also the sum of \$ 1.00 which were adjudged to

the said H. J. Yeary for costs in prosecuting said warrant.

Given under my hand the 27<sup>th</sup> day of January 1898

H. C. Joslyn J. P.  
 This note for which this judgment was given waived the time and exemption



H. J. Yeary  
vs & warrant

J. J. Leueay

---

Executed by summoning  
J. J. Leueay to answer the  
complaint this January  
28<sup>th</sup> 1898

J. M. Weston D.S.  
for W. T. Weston S. & C.

---

Not executed no property  
found. This January 31<sup>st</sup>  
1898

J. M. Weston D.S.  
for W. T. Weston S. & C.

---

A copy  
Teste J. D. F. Richmond clerk  
By M. D. Richmond S. & C.

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Clerk 257

"A" & "B."



1898  
Jan'y 27<sup>th</sup>

W. C. Joslyn  
Justice  
of the peace  
Lee Co Va.

1898  
Jan'y 28<sup>th</sup>

W. J. Yeary } Deft.  
vs }  
J. J. Lunsay } Deft.

subt.

Judgement for \$35.00  
with interest from 4<sup>th</sup> day of  
January 1887, until paid costs  
J. P. 1.00 Clerk 25¢

A copy

Jest: - S. V. F. Richmond clerk  
By M. W. Richmond D. C.



Jacqueline L. L.

D. No. 3 page

175

Q 25-

"L."



The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon

*J. J. Livesay*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held  
for the said Court on the *3rd* Monday in *February*, 189*9*, to answer a bill in  
chancery, exhibited against *him* in our said court by

*H. J. Geary*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,  
the *24<sup>th</sup>* day of *January*, 189*9*, and in the *123rd* year of the Commonwealth.

*A. B. Munsey Clerk*



H. J. Yearis

vs.

SUBPOENA  
IN CHANCERY.

J. J. Livesay

Orr & Blankenship. q.

To 2<sup>nd</sup> February Rules.  
Circuit Court.

Executed by  
delivering a copy  
of the within  
summons to J. J.  
Livesay, this Feb 7-  
1899. J. M. Weston  
D. S. for W. P. Weston  
S. L. C.